



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 6, 2008

Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**RECOMMENDATION TO ADOPT THE AMENDMENT TO THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS'
JOINT EXERCISE OF POWERS AGREEMENT
(SUPERVISORIAL DISTRICTS 1, 4, AND 5)
(3 VOTES)**

SUBJECT

The Three Valleys Municipal Water District, San Gabriel Valley Water District, and the Upper San Gabriel Valley Water District have requested to join the San Gabriel Valley Council of Governments (SGVCOG) under a single membership. The Governing Board of the SGVCOG approved Amendment One to the Third Amended and Restated Joint Exercise of Powers Agreement (JPA) to allow membership in the SGVCOG for these three water agencies on February 21, 2008; however, a minimum of 16 out of 31 member agencies of the SGVCOG and the entity representing the water agencies must approve the Amendment in order for it to be effective.

IT IS RECOMMENDED THAT YOUR BOARD:

Adopt and instruct the Chair to sign Amendment One to the Third Amended and Restated JPA of the SGVCOG to allow the Three Valleys Municipal Water District, San Gabriel Valley Water District and the Upper San Gabriel Valley Water District to join the SGVCOG as one member.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The SGVCOG facilitates the development of cooperative subregional plans and policies between cities and unincorporated communities in the San Gabriel Valley. The three water agencies listed above serve the San Gabriel Valley and have indicated a willingness to join the SGVCOG, participate in its activities and collaboratively seek funding to expand infrastructure to address issues related to the availability and quality of water to be supplied to residences, businesses, and public facilities throughout the San Gabriel Valley.

Your Board, as a member agency in the SGVCOG and as the governing body of the County of Los Angeles, has been requested to adopt the attached Amendment to the JPA.

Implementation of Strategic Plan Goals

The recommended action supports Community Services (Goal 6) of the County's Strategic Plan. Approval and adoption of the Amendment to the JPA will increase the SGVCOG's ability to enhance the quality of life for residents and businesses in the affected communities.

FISCAL IMPACT/FINANCING

There is no fiscal impact associated with the recommended action.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On March 20, 2007, your Board adopted the Third Amended and Restated JPA of the SGVCOG in order to allow for County membership in the SGVCOG. This action approved membership for Supervisorial Districts 1, 4, and 5 to represent the 350,000 unincorporated area residents in the San Gabriel Valley.

On October 18, 2007, the SGVCOG Governing Board approved a request by three of the San Gabriel Valley's water agencies (Three Valleys Municipal Water District, San Gabriel Valley Municipal Water District, and the Upper San Gabriel Valley Municipal Water District) to be admitted to the SGVCOG under a single membership. The three water agencies have agreed to create a single legal entity that will join the SGVCOG and represent their interests.

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On February 21, 2008, the Governing Board of the SGVCOG approved Amendment One to the Third Amended JPA, and directed that this Amendment be submitted to the legislative bodies of the SGVCOG's member agencies for approval. The Amendment will become effective upon approval by the requisite 16 SGVCOG member agencies and the entity representing the water agencies.

This first amendment to the Third Amended JPA of the SGVCOG has been approved as to form by County Counsel.

CONCLUSION

At such time as the recommendation is approved by your Board, please return a copy of this letter and two originals of the adopted JPA to the Chief Executive Office, Office of Unincorporated Area Services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'WTF', followed by a stylized flourish.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS
DSP:AG:ib

Attachment (1)

c: County Counsel

AMENDMENT ONE
to the
THIRD AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT
of the

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

AMENDMENT ONE EFFECTIVE DATE _____, 2008

1. The effective date of AMENDMENT ONE to the THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT of the SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS ("AMENDMENT ONE") shall be the first date on which fifty percent (50%) plus one (1) of the legislative bodies of the then active Members of the San Gabriel Valley Council of Governments ("Council") approve and sign AMENDMENT ONE.

2. The cover page of the THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT of the SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS ("JPA") shall be modified to include the effective date of AMENDMENT ONE.

3. Section 1. f. of the JPA shall be deleted in entirety and replaced with the following sentence.

"f. Each Member is a public agency as defined by Section 6500 of the Government Code."

4. In Section 4. b. (6) after the word "cities" the phrase "other public entities" shall be inserted.

5. The first sentence of Section 5. a. shall be deleted in entirety and replaced with the following sentence.

"Except with regard to the County, one person, who is a resident of the San Gabriel Valley, shall be designated as a representative to the Governing Board by the legislative body of each of the Members ("Governing Board Representative")."

6. The first sentence of Section 5. b. shall be deleted in entirety and replaced with the following sentence."

"Except with regard to the County, one person, who is a resident of the San Gabriel Valley, shall be designated as an alternate representative to the Governing Board by the legislative body of each of the Members ("Alternate Governing Board Representative")."

7. The first sentence of Section 5 .c. shall be deleted in entirety and replaced with the following sentence.

"No person shall be eligible to serve as a Governing Board Representative or an Alternate Governing Board Representative unless that person is, at all times during the tenure of that person as a Governing Board Representative or Alternate Governing Board Representative, either a member of the legislative body of one of the appointing Members for city Members or an elected official of a public agency for public agency Members except that Governing Board Representatives and Alternate Governing Board Representatives for the County do not have to be members of any legislative body but shall serve at the pleasure of their respective County Supervisors.

8. Section 21. a. shall be deleted in entirety and replaced with the following.

"a. Withdrawal. A Member may withdraw from the Council by filing its written notice of withdrawal with the President of the Governing Board 60 days before the actual withdrawal. Such withdrawal shall be effective at 12:00 o'clock a.m. on the last day of that 60-day period. The withdrawal of a Member shall not in any way discharge, impair or modify the voluntarily-assumed obligations for the withdrawn Member in existence as of the effective date of its withdrawal. Withdrawal of a Member shall not affect the remaining Members. Withdrawn Members shall not be entitled to any reimbursement of annual dues paid. Withdrawal from any Implementation Agreement shall not be deemed withdrawal from the Council. In addition to being entitled to completely withdraw from the Council, the County may also partially withdraw and reduce its annual dues with a corresponding reduction in its ability to participate in and vote on matters before the Governing Board by filing a written notice of partial withdrawal with the President of the Governing Board 60 days before the actual partial withdrawal. Such notice of partial withdrawal shall indicate which Supervisorial District(s) shall remain active in the Council and which are being withdrawn and shall be effective at 12:00 o'clock a.m. on the last day of that 60-day period. Partial withdrawal shall not change the rights and obligations of the County under this Agreement except that the County shall no longer be able to participate in or vote on behalf of the withdrawn Supervisorial District(s) on any matter before the Governing Board or Council committees."

9. In the second sentence of Section 21. c. after the word "Since" insert the word "the".

10. Section 23. shall be deleted in entirety and replaced with the following.

"Section 23. Dues of Members. The Members of the Council shall be responsible for the payment to the Council, annually, of dues for each fiscal year in the amounts periodically budgeted by the Governing Board, as and for the operating costs of the Council as provided in the Bylaws. The dues of any non-city and non-County Members of the Council shall be no more than the maximum dues assessed to any of the city Members of the Council. An annual dues assessment will be issued to all

Members in July of each calendar year except that the annual dues assessment for the County will be issued in July of each calendar year for those Supervisorial Districts whose representation of the County began in the first six months of a Council fiscal year and in January of the following calendar year for those whose representation of the County began in the last six months of a Council fiscal year. Further, the annual dues assessment will also be issued each January for any new Members, including Eligible Public Entities and other entities, who have become Members of the Council for the first time and whose membership commenced in the last six months of a Council fiscal year."

11. Exhibit A will be amended to include the name of the entity formed by the water agencies of the San Gabriel Valley that seeks to become a Member of the Council.

The Members of the San Gabriel Valley Council of Governments have caused this AMENDMENT ONE to be executed on their behalf, respectively, as follows:

ATTEST:

COUNTY OF LOS ANGELES

SACHI A. HAMAI
Executive Officer of
The Board of Supervisors

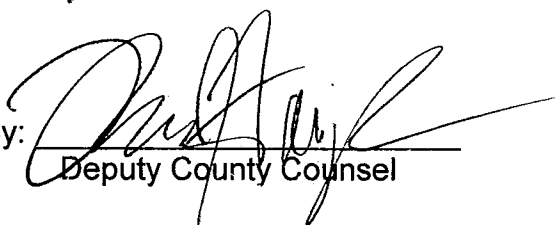
By: _____
Deputy

By: _____
Chair, Board of Supervisors

Date: _____

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By: 
Deputy County Counsel